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TECHNOLOGY CENTER 3600

FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK NY 10103-3198

In re application of  
Edward Ikeguichi et al  
Application No. 10/667,848  
Filed: September 22, 2003  
For: SYSTEM AND METHOD FOR CONTINUOUS  
DATA ANALYSIS OF AN ONGOING  
CLINICAL TRIAL

: **DECISION ON PETITION**  
: **TO MAKE SPECIAL FOR**  
: **NEW APPLICATION**  
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on September 20, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102.

The petition to make the application special is **DENIED**.

#### REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102 and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special filed under 37 C.F.R. § 1.102(c) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicants' petition was received on September 20, 2006 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reason, the petition is denied. Therefore, the application will be examined in its regular turn.

Any inquiry regarding this decision should be directed to Randolph A. Reese, Special Program Examiner, at (571) 272-6619.

A handwritten signature in black ink, appearing to read "Randolph A. Reese", is written over a horizontal line.

Randolph A. Reese  
Special Program Examiner  
Technology Center 3600